

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SHANE SANDOVAL,

Plaintiff,

v.

No. CV 18-30 MV/CG

KYLE HARTSACK, et al.,

Defendants.

ORDER ON PENDING MOTIONS

THIS MATTER is before the Court on Plaintiff Shane Sandoval's *Motion for Leave to Amend Original Complaint*, (Doc. 12), filed August 16, 2018; *Motion for Leave to Amend Original Complaint*, (Doc. 14), filed September 4, 2018; *Motion for Change of Address*, (Doc. 21), filed October 26, 2018; and *Motion for Court Order*, (Doc. 22), filed January 14, 2019. After reviewing the record and the relevant law, the Court will **GRANT** Plaintiff's *Motion for Leave to Amend Original Complaint*, (Doc. 12), *Motion for Leave to Amend Original Complaint*, (Doc. 14), and *Motion for Change of Address*, (Doc. 21). The Court will **DENY** Plaintiff Sandoval's *Motion for Court Order*, (Doc. 22), **WITHOUT PREJUDICE** for the reasons set forth below.

I. Motions for Leave to Amend

Plaintiff Sandoval has filed two Motions seeking leave to amend his original Complaint to add additional defendants he claims were involved in the events underlying his original Civil Rights Complaint. (Doc. 12, 14). Federal Rule of Civil Procedure 15(a)(2) provides: "a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when

justice so requires." Plaintiff Sandoval requests leave to amend in order to add claims against additional parties involved in the transactions and occurrences that form the basis of his original Complaint. The Court concludes that it is in the interests of judicial economy and justice to permit Plaintiff Sandoval to amend the original Complaint. See Fed. R. Civ. P. 15(a)(2). Accordingly, the Court will **GRANT** Plaintiff's *Motion for Leave to Amend Original Complaint*, (Doc. 12), and *Motion for Leave to Amend Original Complaint*, (Doc. 14).

II. Motion for Change of Address

In his *Motion for Change of Address*, (Doc. 21), Plaintiff Sandoval notifies the Court that he is now located at the Otero County Prison facility and asks the Court for leave to change his address of record. Plaintiff Sandoval is required only to notify the Court of a change of address and is not required to seek leave of the Court. Therefore, the Court will **GRANT** Plaintiff's *Motion for Change of Address*, (Doc. 21).

III. Motion for Order

Plaintiff Sandoval's *Motion for Order*, (Doc. 22), seeks to compel non-party Otero County Prison Librarian Ms. Perez to grant Plaintiff additional access to the Otero County Prison library and to obtain additional resources on Section 1983 claims from the library. Plaintiff Sandoval makes generalized allegations that he needs greater access to the library and other research resources, including computers, in order to adequately present his claims. (Doc. 22 at 2). Plaintiff Sandoval, however, does not allege or make any claim that he has been injured by inadequate access to the library or by inadequate resources in the prison. (Doc. 22). See *Fogle v. Pierson*, 435 F.3d 1252, 1264 (10th Cir. 2006) (inmate must demonstrate that alleged shortcomings in the library

or legal assistance program hindered his efforts to pursue a legal claim); *Twyman v. Crisp*, 584 F.2d 352, 358 (10th Cir. 1978) (inmate does not have federally protected right to use of a computer to prepare pleadings). The Court will therefore **DENY** Plaintiff's *Motion for Order*, (Doc. 22), **WITHOUT PREJUDICE**, permitting him to file a Motion for Leave to Amend the Complaint if Plaintiff Sandoval claims, consistent with Federal Rule of Civil Procedure 11, that he has been injured in his attempts to pursue this action as a result of inadequate library access.

IT IS THEREFORE ORDERED:

(1) Plaintiff's *Motion for Leave to Amend Original Complaint*, (Doc. 12), is

GRANTED;

(2) Plaintiff's *Motion for Leave to Amend Original Complaint*, (Doc. 14), is

GRANTED;

(3) Plaintiff's *Motion for Change of Address*, (Doc. 21), is **GRANTED**; and

(4) Plaintiff's *Motion for Order*, (Doc. 22), is **DENIED**.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE